

المجلس الوطني لحقوق الإنسان
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Conseil national des droits de l'Homme

REPORT OF

# THE NATIONAL HUMAN RIGHTS COUNCIL OF THE KINGDOM OF MOROCCO

TO

# THE UN COMMITTEE ON THE RIGHTS OF THE CHILD

August 2025

# I. Introduction

1. The National Human Rights Council of Morocco (CNDH) is a constitutional institution for the promotion and protection of human rights. It was established in 1990 and has been accredited with "A" status since 1999, testifying to its full compliance with the Paris Principles, adopted by the United Nations General Assembly in 1993. This status is granted by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI), which operates under the auspices of the United Nations High Commissioner for Human Rights. In March 2025, the CNDH was elected Chair of GANHRI.

2. The CNDH has 12 Regional Human Rights Commissions (CRDH) operating across the entire national territory. CRDH are mainly composed of civil society representatives and local human rights defenders. These commissions are those of Rabat-Salé-Kenitra, Fez-Meknes, Marrakech-Safi, Casablanca-Settat, Draa-Tafilalet, Oriental, Beni Mellal-Khenifra, Tangier-Tetouan-Al Hoceima, Guelmim-Oued Noun, Souss-Massa, Laayoune-Sakia El Hamra and Dakhla-Oued Eddahab.

3. Since its reform in 2018, the CNDH has systematically prepared and published 5 annual reports on the situation of human rights in Morocco[1]. In these reports, the CNDH reviews the progress made, identifies the remaining challenges and makes specific and structured recommendations, touching, inter alia, on the promotion and protection of children's rights.

4. As part of its bid to host the FIFA World Cup 2030, Morocco contributed to a national human rights strategy[2] on Morocco's commitment to upholding and promoting a broad range of human rights, including the rights of the child. The CNDH also conducted a comprehensive and independent analysis to assess the human rights context in relation to the bid[3]. The study includes an overview of the situation of human rights as well as the areas where improvements are needed, including in the field of children's rights.

5. The CNDH has a quasi-judicial mandate to handle complaints, conduct field monitoring and investigations, visit places of deprivation of liberty, facilitate

1 https://www.cndh.ma/an/rubriques/documentation/publications/annual-reports

2 https://digitalhub.fifa.com/m/1d713bc7ba2621fe/original/FWC30-Bidbook-Yalla-Vamos.pdf

3 https://digitalhub.fifa.com/m/6da18ae1b346a2ba/original/Microsoft-Word-2-CLEAN-CNDH-Study-WC30-Final-25-7-docx.pdf

mediation initiatives, draft thematic, annual, and specific reports, and propose recommendations to relevant authorities. Detailed information is available on the CNDH website[4] and social media accounts[5].

6. The National Redress Mechanism for Children and the National Mechanism for the Protection of the Rights of Persons with Disabilities, established within the CNDH since 2018, are mandated to handle complaints, conduct relevant investigations, hold hearings and conduct protective actions. In case of a substantiated violation or abuse of the rights leading to serious harm, the CNDH engages with the judicial authorities to take the necessary corrective measures. By establishing a child redress mechanism within the CNDH, Morocco has implemented one of the key recommendations of the UN Committee on the Rights of the Child (the Committee).

7. The CNDH hosts the National Preventive Mechanism (NPM), established in line with the Optional Protocol to the Convention against Torture (OPCAT) and entrusted with carrying out visits to places of detention and monitoring the conditions of detainees and their treatment, including in penitentiary institutions, police custody, child protection centers, social protection establishments, and psychiatric hospitals[6]. These visits also include thematic visits on specific issues, such as those related to migrants, women and children. Relevant reports with recommendations are addressed to the competent authorities with a view to resolving issues identified during visits. Detailed information on the visits is included in the CNDH annual reports[7].

8. The CNDH welcomes Morocco's acceptance of the **simplified reporting procedure** and encourages the State to adopt this approach in its engagement with all treaty bodies, in line with CNDH recommendations made in its various annual reports since 2019. The simplified reporting procedure can serve as an effective tool to address delays in reporting to treaty bodies.

9. The present input is in line with the revised dialogue structure[8] adopted by the Committee in 2024 and is based on an analysis of the national context

4 https://www.cndh.org.ma/an

5 The CNDH has two social media accounts on Facebook and X.

6 Details and number of visits for each year are available in the CNDH annual reports: https://www.cndh.ma/en/library

7 https://www.cndh.ma/en/library?category=17&theme=All&region=All

8 https://crcreporting.childrightsconnect.org/wp-content/uploads/2024/06/CRC-new-dialogue-structure-EN.pdf

in relation with the provisions of the Convention on the Rights of the Child (CRC). It includes up-to-date information on the implementation of the recommendations made in the concluding observations of 2014 and of the CRC as a whole. It was prepared on the basis of the CNDH documents and activities, including reports of the national child redress mechanism, annual reports, thematic reports, studies, seminars, debates and awareness raising activities, local and nationwide consultations.

**10.** The information provided in this report is particularly based on consultations held with civil society organizations and 373 children across Morocco's 12 regions. These children represented a diverse range of groups, including children with disabilities, those deprived of a family environment, migrant children, victims of violence and exploitation, orphans or abandoned children, children in conflict with the law, as well as children involved in educational clubs and members of the Children's Parliament. These consultations enabled an assessment of the current state of children's rights, while also supporting several civil society organizations and children in preparing their own contributions to the CRC List of Issues.

**11.** The CNDH hopes that this submission will provide the Committee with further insights and serve as a basis for initiating a constructive and productive dialogue with the Government, as well as for preparing the list of issues.

# II. General measures of implementing the Convention

## A. Commitments to international human rights standards

**12.** Morocco is currently a state party to 15 out of the 18 international human rights instruments. The CNDH notes with satisfaction the progress achieved since 2014, including the accession to the Optional Protocol to the Convention against Torture in August 2014[9], to the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR)[10] and the Optional Protocol to the Convention on the Elimination of Discrimination against Women[11], both in April 2022. It also notes the positive step taken by the State regarding the vote in favor of the UN Resolution regarding the moratorium on the use of the death penalty in December 2024[12].

**13.** However, the CNDH reiterates its recommendations addressed to the government to finalize the process of ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. This protocol was the subject of an approval law 59.12, adopted by the Parliament and published in the Official Bulletin N. 6140 of 4 April 2013. However, the relevant instruments have yet to be deposited with the UN Secretary General.

**14.** No action has been taken so far as to the ratification of the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR).

**15.** The CNDH has consistently advocated for the ratification of all these instruments through its various advocacy actions and reports, including its annual report, which is formally addressed to all relevant national authorities.

9 https://treaties.un.org/doc/Publication/CN/2014/CN.742.2014-Eng.pdf
10 https://treaties.un.org/doc/Publication/CN/2022/CN.106.2022-Eng.pdf
11 https://treaties.un.org/doc/Publication/CN/2022/CN.107.2022-Eng.pdf
12 https://www.cndh.ma/en/moroccos-historic-vote-favour-universal-death-penalty-moratorium

**16.** The CNDH also notes that, despite the promulgation of Law No. 147-12[13] approving the Council of Europe's Convention on Contact concerning Children of 2003, and Law No. 148-12[14] approving the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Morocco has not yet completed the ratification process. This is despite the acceptance of its request for accession by the Committee of Ministers of the Council of Europe. Accordingly, the CNDH recommends that Morocco renew its request for accession to these conventions and proceed with the deposit of the necessary instruments to finalize the ratification process.

***The Committee may wish to address the following questions to the State party:***

***Q1 -*** *Please provide detailed information on the measures taken by the State party to enforce Law No. 59.12 of 2013 approving the Optional Protocol to the Convention on the Rights of the Child on a communications procedure?*

***Q2 -*** *Please provide detailed information on the steps taken by the State party toward the ratification of the remaining international instruments, especially the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty. In particular, indicate whether any legislative, institutional, or policy measures have been initiated to facilitate ratification?*

***Q3 -*** *Please provide information on the steps taken by the State party to enforce Laws No. 147-12 and 148-12 approving both the Council of Europe Conventions on Contact concerning Children and on the Protection of Children against Sexual Exploitation and Sexual Abuse?*

## B. Institutional framework

**17.** Following the recommendation of the CRC[15], a law 76.15 reforming the CNDH[16] was adopted in February 2018. This law considerably broadens the protection mandate of the CNDH, particularly by entrusting it with the mandate of three mechanisms provided for by international human rights standards. These are the National Child Redress Mechanism, in line with

13 https://www.sgg.gov.ma/BO/bo_fr/2014/BO_6262_Fr.pdf

14 https://www.sgg.gov.ma/BO/bo_fr/2014/BO_6262_Fr.pdf

15 Par 19 of the Doc: CRC/C/MAR/CO/3-4

16 https://www.cndh.org.ma/sites/default/files/loi_76-15_relative_a_la_reorganisation_du_cndh_1.pdf

General Comment 2 of the CRC, the National Monitoring Mechanism for Persons with Disabilities, in line with Article 33.2 of the Convention on the Rights of Persons with Disabilities, and the National Preventive Mechanism against Torture (NPM), in line with OPCAT.

**18.** Since its establishment, the Child Redress Mechanism handled more than 200 complaints. It has actively addressed various issues, such as violence, sexual abuse, access to education for children with disabilities, and violations of child privacy. The members of the mechanism also conducted field visits to child protection centers and gave hearings to children placed in these centers. Both the NPM and the Child Redress Mechanism operate in a complementary manner, thus enabling the CNDH to make relevant recommendations to the government with a view to taking public policy actions to address existing gaps.

**19.** The CNDH has established at its headquarters a dedicated child-friendly space named "Rayan" in memory of the young boy who tragically died in February 2022 after falling into a well in northern Morocco. This space serves as a dedicated venue for children to report alleged violations of their rights. Hearings are conducted in private, in an environment designed to ensure safety, dignity, and confidentiality. Children are heard in the presence of their legal guardians or tutors, with due respect for their best interests.

**20.** While other government and independent systems, judicial and nonjudicial, have been established, thus reinforcing the national human rights protection system, the CNDH notes that four constitutional bodies have not yet become operational, namely the Authority for Parity and the Fight against all Forms of Discrimination, Advisory Council for the Family and Children, Advisory Council for Youth and Civil Society Action and National Council for Languages and Moroccan Culture.

***The Committee may wish to address the following questions to the State party:***

***Q4 -*** *How does the State party ensure the implementation of the recommendations issued by the national redress mechanism for children established within the CNDH?*

***Q5 -*** *What steps is the State party taking to establish the constitutional bodies, which are intended to further advance human rights, including those of children, especially the Advisory Council for the Family and Children and the Advisory Council for Youth and Civil Society Action?*

## C. Legislative framework:

**21.** The CNDH welcomes the legislative progress achieved since 2014. The CNDH recalls that by 2023, the transitional period fixed under Law No. 19-12 of 10 August 2016 concerning the conditions of employment of domestic workers, had come to an end. During this transitional period, the employment of girls aged 16 to 18 as domestic workers was permitted. As of October 2023, the minimum legal age for such employment is set at 18 years.

**22.** Morocco is currently undergoing legal reforms that also concern children's rights. This reform agenda includes the revision of the Penal Code, the Code of Penal Procedure, the Code of Civil Procedure, and the Family Code (Moudawana).

**23.** On September 25, 2023, His Majesty King Mohammed VI sent a letter to the Chief of the Government to review the Family Code. A family law review commission was set up, composed of the Ministry of Justice, Ministry of Solidarity, Social Inclusion and Family, Supreme Council of the Judicial Authority and Presidency of the Public Prosecution, Supreme Council of Muslim Scholars and the National Human Rights Council. This commission led nationwide consultations with all relevant stakeholders, including more than 1,500 civil society associations and human rights defenders. On December 20, 2023, the CNDH submitted its memorandum[17] on the Family Law review, which included its proposals towards an effectiveness of equality and non-discrimination, respect for the best interest of the child, and the principle of expanding the will of the parties in regulating family relations.

**24.** Indeed, the CNDH recommended, inter alia, that child marriage be abolished by repealing Articles 20 to 22 of the Family Code. It further recommended the protection of the child's right to affiliation regardless of the marital status of the parents, and a comprehensive review of all provisions related to affiliation and parentage, based on the principle of shared responsibility between the parents and the State, as well as the best interests of the child. The CNDH also recommended using genetic testing as additional evidence alongside other indicators to prove affiliation. The CNDH further recommended that all legal rights and effects be fully granted to children

17 Available here : https://www.cndh.ma/sites/default/files/2025-05/memo_cndh_code_famille_ar_dec_2023.pdf

whose parentage is established through genetic testing, on an equal footing with those born within wedlock.

**25.** In its memorandum published in 2022 following a request by the Minister of Justice dated 28 January 2022,the CNDH noted with satisfaction that the amendments to the Penal Procedure Code aimed at strengthening, inter alia, the protection of children in conflict with the law, including the explicit affirmation that the prosecution of juvenile offenders is not of a punitive nature, the requirement that the Public Prosecution, investigating judges and judicial bodies in charge of juvenile offenders give primary consideration to the best interests of the child when determining appropriate protection or rehabilitation measures (Article 462-1) and also the prohibition of extending the period of a child's retention in custody, except in the specific circumstances provided for by law.

**26.** However, the CNDH regrets that its recommendations concerning the protection of the rights of the child, included in the aforementioned memorandum, are not reflected in the final draft law. the CNDH notes that the draft lacks provisions exempting children from court fees and guaranteeing access to free and effective legal assistance at all stages of litigation; and retains provisions permitting the deprivation of liberty of children between the ages of 14 and 18 years in places other than child protection centers. the CNDH notes that it is not included as an entity that can receive inspection reports of penitentiary institutions and juvenile detention centers. The CNDH discussed its recommendations during a meeting with the Legislative and Human Rights Commission of the House of Representatives on 23 April 2025.

**27.** Following the request of the Minister of Justice on 26 January 2022, the CNDH submitted a memorandum on the draft Civil Procedure Code[18] focusing, among other things, on enhancing the protection of children's rights. The memorandum covers several key areas, including equality between parties, protection of litigants' privacy, respect for adversarial principles and defense rights; and improved access to justice for vulnerable groups, especially children.

**28.** In this context, the CNDH welcomes the inclusion of draft provisions allowing minors to initiate legal proceedings or seek amicable settlement without a legal representative when none is available. However, it highlights

18 https://www.cndh.ma/fr/lavis-du-cndh-sur-le-projet-de-loi-sur-la-procedure-civile-disponible-en-arabe

significant gaps, particularly the lack of procedural safeguards tailored to children's specific needs, the goal being to ensure their effective access to justice. The CNDH highlights the need for guaranteed free or subsidized legal assistance for children, including appointing lawyers for minors and exempting them from fees, to prevent dismissal of cases on technical grounds. Moreover, the CNDH points to the absence of detailed rules on how children should be heard in courts, as parties, witnesses or otherwise, and recommends incorporating clear and child-sensitive procedures.

***The Committee may wish to address the following questions to the State party:***

***Q6 -*** *While noting with appreciation Morocco's commitment to advancing family rights, as reflected in the ongoing reform of the Family Code (Moudawana), could the State party provide updated information on the status of the review process and on the implementation of the recommendations made by the CNDH?*

***Q7 –*** *Is the State party considering the adoption of a children's code, which was recommended by the Committee and the CNDH?*

***Q8-*** *What awareness-raising initiatives have been implemented to inform families, employers, and children about the new legal minimum age of 18 for domestic work, and what concrete measures have been taken to prevent and address any violations of this law?*

***Q9-*** *Could the State party provide information on whether it considers incorporating the CNDH's recommendations in the draft Penal Procedure Code? In particular, could the State party consider the possible inclusion of provisions exempting children from court fees and ensuring their access to free and effective legal assistance at all stages of litigation, including appeals; and the review of provisions concerning the deprivation of liberty for children aged 14 to 18 years in places other than child protection centers?*

***Q10 –*** *Please clarify how the latest draft Civil Procedure Code protects the rights of children during hearings, whether they appear as parties, witnesses, or in other legal contexts. Please specify the safeguards established to guarantee effective access to justice, including the provision of free or subsidized legal aid, the mandatory appointment of legal counsel, and the exemption from court fees, and describe how these measures prevent the dismissal of cases on procedural grounds?*

# II. Civil and political rights

## A. Birth registration

**29.** While the CNDH acknowledges the efforts undertaken to ensure the registration of children in the civil registry, particularly through the adoption of Law No. 36-21 on the civil status system, promulgated in July 2022, which provides for the establishment of electronic registration procedures, and the national campaign entitled "*registration in the family booklet is a constitutional right: I am registered, therefore I exist*", the CNDH expresses concern that, in certain cases, public hospitals reportedly withhold the issuance of birth certificates unless delivery related fees are paid. This practice is inconsistent with Circular No. 108 issued by the Ministry of Health on 11 December 2008, which stipulates that both normal and caesarean deliveries shall be provided free of charge in public healthcare facilities.

**30.** The CNDH welcomes the access of migrants and their families to public hospitals, including migrants in an irregular situation, with particular attention to pregnant women. However, it notes that a number of migrant parents continue to face difficulties in obtaining the official birth registration certificate for their children, as the issuance of such certificates is conditioned on the payment of medical fees, which many are unable to afford.

**31.** The CNDH notes with concern the continued reluctance of some single mothers to seek judicial rulings for the registration of their children in civil status records, due to fear of prosecution on charges of immorality. The CNDH further observes that procedures for declaring registration in the civil registry continue to rely on witness testimony or a certificate issued by a midwife to establish maternity, rather than utilizing DNA testing as a reliable scientific method.

***The Committee may wish to address the following questions to the State party:***

***Q11 –*** *Please provide information on existing procedures for late birth registration, and explain why scientifically reliable methods, such as DNA*

*testing, are not being prioritized over subjective evidence, such as witness testimony?*

***Q12 –*** *What measures has Morocco implemented to address the reluctance of single mothers to seek judicial rulings for the registration of their children in civil status records, especially in light of fears of prosecution on charges of immorality?*

***Q13 –*** *What measures has the State party taken to eliminate the practice of conditioning the issuance of birth registration certificates on the payment of medical fees, particularly for families who cannot afford these costs?*

## B. Right to identity

**32.** The CNDH notes that children face legal and practical difficulties in establishing their lineage due to the limited use of genetic expertise, which infringes upon children's right to identity.

***The Committee may wish to address the following questions to the State party:***

***Q15 -*** *Please provide information on the measures taken to protect the right to identity for children born to unmarried parents?*

## C. Right to privacy

**33.** The CNDH and its CRDH have actively worked on monitoring the right to privacy among vulnerable groups, including children. The CNDH has monitored cases of defamation of children victims of the earthquake that hit Al Atlas region in September 2023, where some youtubers and influencers shared photos of children victims of the natural disaster during the distribution of aid, which constitutes a violation of their right to privacy. Accordingly, the CNDH conducted monitoring missions to Marrakech-Safi and Drâa-Tafilalet to document allegations of violence, including sexual abuse, and to assess the situation of orphaned children. Based on this monitoring, the CNDH published a report with recommendations to the public authorities in order to protect the right to privacy[19].

19 The report is available here : http://cndh.maar/tqryr-hwl-hmayt-hqwq-altfl-fy-syaq-zlzal-8-shtnbr-2023-twsyat-almjls-br-rsdh-llfda-alrqmy-wzyarth

**34.** Furthermore, His Majesty King Mohammed VI accorded close attention to the protection of orphaned children affected by the earthquake, granting them the status of *Makfoulou Al-Umma* (wards of the nation), and instructing the government to ensure that they receive immediate care and to adopt a relevant legislative framework.

**35.** Several challenges to the right to privacy are complicated by the rapid evolution of technology and AI. The situation gets even worse in the case of children given the fact that they are unaware of the repercussions they suffer when their personal data and pictures are shared by themselves or even their close relatives. To redress the situation, the CNDH has repeatedly recommended reinforcing the protection of individuals, including children, from non-consensual use of their personal data by internet operators and data brokers and holding them accountable in case of a violation, ensuring the protection of personal data.

***The Committee may wish to address the following question to the State party:***

***Q16 -*** *Please provide information on the legal, administrative, and awareness-raising measures that have been implemented to prevent the unauthorized dissemination of images or personal information of children, particularly on social media platforms, in order to ensure the protection of the privacy and personal data of children?*

# III. Violence against children

## A. Abuse, neglect and sexual exploitation and abuse

**36.** While noting the adoption of the Integrated Public Policy for Child Protection (2015–2026), the CNDH underscores the continued need to strengthen the child protection system against all forms of violence. The CNDH believes that the ongoing reform of the Penal Code should fully incorporate its recommendations, particularly with regard to sexual offences against children. The CNDH identifies shortcomings in the legal framework in force, including the restrictive definition of rape under Article 486 of the Penal Code, which limits the offence to acts where a man has sexual intercourse with a woman against her will, thereby excluding male victims as well as same-sex assaults. Also, the definition of the age of consent is unclear.

**37.** In its memorandum regarding Draft Law No. 10-16, aimed at amending and supplementing the Penal Code, the CNDH recommended a revised definition of rape to encompass all forms of sexual assault, irrespective of the sex of the victim or perpetrator, their relationship or status. It also advocated for harsher penalties for rape and incest, in particular where the victim is a minor or otherwise incapable of expressing consent. The CNDH believes that the legislative framework in force fails to provide adequate protection and undermines the ability of victims, especially children, to obtain justice.

**38.** The CNDH also expresses concern over the absence of systematic prosecution in cases of sexual assault against minors, noting that proceedings are often discontinued following the withdrawal of complaints, frequently in exchange for financial compensation or through so-called "reparatory marriages." It calls for the inclusion of provisions mandating the mandatory initiation of legal proceedings in all such cases, without the possibility of withdrawal, to ensure legal accountability and effective protection of the rights of child victims.

***The Committee may wish to address the following questions to the State party:***

***Q17 -*** *Please provide information on results achieved to date under the Integrated Public Policy for Child Protection 2015–2026 and specify what*

*measures the State party has taken to ensure its effective implementation across Morocco's different regions?*

***Q18 -*** *What legal and procedural measures are in place to guarantee the mandatory prosecution of sexual offences against minors, including where complaints are withdrawn by parents, and how is the State ensuring that such prosecutions cannot be circumvented by settlements, financial compensation or so-called "reparatory marriage"?*

***Q19 -*** *What steps has the State party taken in response to the CNDH's recommendations to amend the legal definition of rape, particularly to ensure it includes all forms of sexual assault, regardless of the sex of the victim or perpetrator, and explicitly includes marital rape?*

## B. Torture and cruel, inhuman or degrading treatment or punishment

**39.** Following Morocco's ratification of the OPCAT in 2014, the National Preventive Mechanism (NPM) was established within the CNDH, as subsequently formalized by Law No. 76.18, adopted in 2018. In fulfilment of this mandate, the NPM carries out preventive visits to all places of deprivation of liberty, issues evidence-based recommendations aimed at improving conditions of detention, and submits observations and proposals concerning legislative and regulatory reforms.

**40.** Reflecting its particular attention to children, the NPM chose a child protection center as the location of its first visit, conducted on 23 April 2020 during the COVID-19 period. Between 2020 and 2024, it carried out a total of 166 visits across all 12 regions of Morocco, covering a wide range of places of deprivation of liberty, including local and central prisons, police custody centers, Gendarmerie Royale stations, child protection centers, elder care facilities, court holding cells, and psychiatric institutions. These visits were marked by diversity in both the types of places of deprivation of liberty inspected and their geographic distribution, reflecting a comprehensive and inclusive approach to preventive monitoring. In line with the provisions of OPCAT, the visits aimed to prevent practices likely to lead, directly or indirectly, to any form of torture or ill-treatment, and to engage in constructive dialogue with the authorities responsible for such facilities.

**41.** The visits comprise first-time and follow-up visits. The follow-up visits have been instrumental in assessing the extent to which the NPM recommendations have been implemented. Some of the recommendations have been extended to other places of detention that were not part of the first-time visits. Indeed, the NPM found that 85% of its recommendations have been implemented.

**42.** All visits by the NPM were followed by detailed specific reports that were shared with the relevant authorities for the purpose of implementing and generalizing the recommendations. Since its establishment in September 2019, the NPM has published five annual reports[20]. All five reports were also consolidated in one document and published online[21]. The NPM/CNDH found that recent years have seen a general trend toward improved detention conditions and procedural safeguards in custody facilities, including enhanced infrastructure in line with relevant international norms, strengthened documentation practices and increased cooperation with monitoring bodies[22].

**43.** However, the NPM expressed concern over the lack of accessible infrastructure for children with disabilities, particularly in sanitary facilities. It also identified shortages, including those related to on-site psychologists and psychiatrists, which undermine the provision of adequate psychosocial support. The NPM recommended strengthening professional teams and ensuring that children are housed based on the grounds for their placement, whether related to addiction, conflict with the law, or social hardship, in order to safeguard their physical and psychological well-being. During its follow-up visits, the NPM/CNDH also noted that its recommendations regarding the separation of minors in custody are increasingly being implemented by both the Royal Gendarmerie and the General Directorate of National Security (National Police Department). Also, an NPM/CNDH recommendation on food provision to inmates in police custody was implemented, by virtue of Decree No. 2.22.222[23] defining and regulating the provision of meals for individuals held in police custody. In addition,

20 The latest annual report published in the Official Gazette is that of 2024, available here : https://www.sgg.gov.ma/BO/AR/3111/2024/BO_7329-bis_Ar.pdf

21 NPM reports 2019-2022 https://www.ohchr.org/sites/default/files/documents/hrbodies/spt-opcat/npm/rapport-mnp-maroc-2019-2022-ar.pdf NPM report 2023 https://www.ohchr.org/sites/default/files/documents/hrbodies/spt-opcat/npm/rapport-annuel-mnp-maroc-2023.pdf

22 Latest report of the CNDH containing relevant information : https://www.cndh.ma/en/cndh-publishes-its-annual-report-2023-entitled-laying-foundations-national-system-protect-economic

23 https://www.sgg.gov.ma/BO/AR/3111/2022/BO_7092_Ar.pdf

the NPM called for improvements in medical care, including access to specialized services for victims of physical and sexual abuse, proper management of medication inventories, and effective support for children affected by addiction.

***The Committee may wish to address the following question to the State party:***

***Q20 -*** *Please provide information on the further steps taken to implement the recommendations of the NPM concerning access to appropriate medical care for children in detention, including specialized services for victims of physical and sexual abuse, proper management of medication, support for children affected by addiction and the prohibition of assigning cleaning tasks to children?*

## C. Family environment and alternative care

**44.** The CNDH noted with concern some discriminatory provisions within the current legal framework. Indeed, the law nullifies paternity in the case of children born outside of marriage, leaving the mother solely responsible, irrespective of the child's legal status. This creates a clear gender-based inequality and constitutes discrimination against children based on the marital status of their parents. Moreover, certain court rulings continue to use stigmatizing language such as "child of adultery" or "of unknown lineage," further entrenching harmful stereotypes and violating the dignity of the child.

**45.** Regarding custody, the actual legal framework allows for the exclusion of parents with disabilities based on subjective and often biased assessments of their "ability to raise the child". The CNDH has noted complaints where such assessments led to the disqualification of the parent with disabilities. Furthermore, existing legislation provides that the remarriage of the custodial parent can result in the mandatory revocation of custody. At the same time, the law doesn't provide for joint custody as an option after separation, even if both parents agree to it, nor does it regulate visitation rights for non-custodial parents living abroad, thereby limiting both parents' continued involvement in the child's life.

**46.** Practically, mothers face significant obstacles in exercising legal guardianship over their children, despite holding custody. Administrative institutions often refuse to recognize the mother's guardianship without a declaratory court order or supplementary documentation. These barriers compromise the urgent needs and best interests of the child.

**47.** Even when the mother has custody, the father retains full control over the child's financial interests. In practice, this allows fathers to access funds intended for the child, even if those deposited in accounts are opened by the mother. This may place the mother in a vulnerable situation, where she is pressured to renounce her own or her children's financial rights in exchange for authorizations or power of attorney from the father.

***The Committee may wish to address the following questions to the State party:***

***Q21 –*** *What measures has the State party implemented to eliminate the use of stigmatizing language in court rulings, such as "child of adultery" or "of unknown lineage", to uphold the dignity and rights of all children regardless of their parents' marital status?*

***Q22 –*** *How does the State party ensure that custody decisions involving parents with disabilities are based on objective and non-discriminatory assessments of their parenting capacity?*

***Q23 –*** *What measures has the State party taken to remove administrative obstacles that prevent mothers from exercising legal guardianship despite having custody?*

***Q24 –*** *What measures are currently in place to ensure that a custodial mother can exercise guardianship over the child's financial interests, including access to compensation and monetary gifts, and how does the State party ensure that this prerogative is not reserved solely to the father?*

# IV. Children with disabilities

**48.** According to Article 19 of Law No. 76.15, adopted in 2018, the National Mechanism for the Protection of the Rights of Persons with Disabilities, operating within the CNDH, is mandated to: receive complaints submitted either directly by persons with disabilities who are victims of violations, by their representatives, or by a third party in the event of a rights violation; conduct all necessary investigations on the matter; examine, process, and respond to the complaints received; organize hearings for the parties concerned by the violation or complaint, together with witnesses, experts, and any other persons deemed relevant. The Mechanism may also take up a case on its own initiative in the event of a violation of the rights of persons with disabilities brought to its attention, provided it informs the person concerned and ensures that they do not object to its intervention. In cases where a violation of the rights of persons with disabilities has caused serious harm, the CNDH shall engage with the relevant judicial authorities and provide them with all information, data, and documents available to the Mechanism regarding the case.

**49.** Accordingly, this Mechanism has handled and followed up on various complaints, including those concerning children with disabilities. It has also carried out several visits to centers hosting persons with disabilities in order to monitor the situation of children's rights, particularly those receiving education in such centers.

**50.** The CNDH noted Morocco's significant efforts, including the progressive inclusion of children with disabilities in national social security programs, the provision of direct financial assistance to low-income families with school-aged children, and the adoption of the National Program for Inclusive Education in 2019. Nevertheless, the CNDH observes that structural challenges continue to hinder the full realization of the rights of children with disabilities.

**51.** Regarding access to healthcare services, the CNDH notes that families of children with disabilities encounter significant barriers in obtaining adequate health services. These challenges include insufficient comprehensive health insurance coverage, the high cost of treatment relative to household income, regional disparities in the accessibility of healthcare facilities, and both the high cost and shortage of specialized medical personnel.

**52.** Inclusive education is not sufficiently implemented across all categories of disability, particularly for learners with visual and hearing impairments. This situation is further aggravated by the lack of accessible infrastructure. Furthermore, interviews conducted with officials from specialized centers for persons with disabilities revealed additional challenges, including difficulties related to coordination between the relevant ministries and civil society associations, and delays in the disbursement of state funding. Such obstacles negatively affect the quality of educational services, including the ability to pay teaching staff.

**53.** The Mechanism also addressed a number of individual complaints, including cases in which children with disabilities were denied access to school due to the absence of classroom assistants or a lack of accessible facilities. In response, the Mechanism intervened with regional academies to find practical solutions, such as relocating classes to ground-floor rooms or authorizing the presence of assistants during national examinations. Despite the launch of the National Program for Inclusive Education, the Mechanism expressed concern over the continued outsourcing of this responsibility to civil society organizations. It emphasized that the State must reclaim its central role in guaranteeing inclusive and quality education for all children with disabilities.

***The Committee may wish to address the following questions to the State party:***

***Q25 -*** *What measures has the State party adopted to ensure the availability, accessibility, and quality of healthcare services for children with disabilities?*

***Q26 -*** *Please provide information on measures adopted to prevent and address the denial of access to schools for children with disabilities, including the provision of classroom assistants, accessible facilities, and necessary accommodations during examinations?*

***Q27 -*** *Please provide information on the implementation of the National Program for Inclusive Education across all categories of disability?*

***Q28 -*** *Please explain the measures envisaged to strengthen the State's leadership and accountability in ensuring the provision of inclusive and quality education for all children with disabilities, and to clarify the role of civil society organizations?*

# V. Education, leisure and cultural activities

**54.** While welcoming the efforts made in the field of education, notably the adoption of the 2022–2026 roadmap for the reform of the national education system, which focuses on foundational learning, the promotion of personal development and citizenship, and the effective implementation of compulsory schooling, the CNDH notes that the education system continues to face significant challenges. The CNDH has observed that the right to education continues to face multiple obstacles. Rural girls in particular encounter persistent barriers due to distance, social norms, and inadequate infrastructure. Although they make up 48 percent of rural students, many drop out after primary school. Other challenges regarding the right to education include equality and quality learning for all children across Morocco.

**55.** In parallel, with a view to promoting the right to culture and leisure, the CNDH organizes every year a child-specific activities in its stand at the International Book Fair. The CNDH facilitates the contribution of hundreds of children from all Moroccan regions, who showcase various cultural expressions. Sign language interpretation is provided in all events to ensure inclusive participation for children with disabilities.

***The Committee may wish to address the following questions to the State party:***

***Q29 -*** *What measures has the State party taken to implement the 2022–2026 roadmap for the reform of the national education system?*

***Q30 -*** *What specific measures has the State party adopted to address the barriers faced by rural girls in accessing education, including distance, social norms, and inadequate infrastructure, and to reduce dropout rates after primary school?*

***Q31 -*** *What steps has the State party taken to improve the quality of education, including the recruitment and training of qualified teachers, the provision of adequate learning materials, and the maintenance of school infrastructure?*

***Q32 -*** *What measures has the State party adopted to integrate human rights education into school curricula at all levels, and how is the impact of such integration monitored and evaluated?*



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